

REMARKS

I. INTRODUCTION

Claims 1-2 and 4-14 are pending in the present application. In light of the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1, 2-7, and 11-14 stand rejected under 35 U.S.C. §102(e) for being anticipated by Anderson et al. (U.S. Patent No. 7,217,266) (hereinafter “Anderson 266”).

Claim 1 recites, “[a] device for reducing growth of hairs on human skin, the device comprising a source of electromagnetic radiation that emits in a wavelength range between 550 and 1200 nm, and a control means for limiting the deliverable energy density of the electromagnetic radiation on the skin to a maximum value between 1 and 12 J/cm², wherein, during operation, the control means selects the maximum value in accordance with selected properties of the skin to be treated, *selected properties being determined by a sensor measuring a reflection from the skin of the electromagnetic radiation.*”

Initially, the applicants would like to clarify that the term “the electromagnetic radiation” in the recitation “selected properties being determined by a sensor measuring a reflection from the skin of the electromagnetic radiation” refers to the electromagnetic radiation generated by the source in the device for reducing growth of hairs as recited in “a source of electromagnetic radiation that emits in a wavelength range between 550 and 1200 nm.” Thus, it should be clear from the plain meaning of the claim language that sensor measures the reflection of the electromagnetic radiation generated by the source generating the treatment radiation for “reducing growth of hairs on human skin.”

In contrast, Anderson 266 discloses a Smart Scalpel system (100) for locating, identifying, and delivering appropriate treatment to treatment targets. Anderson 266’s

system first directs “singly or plurality, monochromatic or multi-wavelength (e.g. white light) light(s) at a tissue area.” (See Anderson 266, col. 11, ll. 18-19). The reflection of this light from the tissue is then detected and processed to generate treatment data. This treatment data is used determine the characteristics, such as power and wavelength, of the treatment laser (115). (See Id., ll. 19-28). Thus, Anderson 266 discloses two different energy sources: a monochromatic or multi-wavelength light and a treatment laser (115). The reflection of the multi-wavelength light is what is detected from the skin, not the treatment laser. Accordingly, Anderson 266 fails to disclose or suggest “*selected properties being determined by a sensor measuring a reflection from the skin of the electromagnetic radiation,*” as recited in claim 1. Applicants, therefore, respectfully submit that claim 1 and its dependent claims 2 and 4-7 are allowable over Anderson 266.

Claim 11 recites limitations substantially similar to those of claim 1. Thus, it is respectfully submitted that claim 11 and its dependent claims 12-14 are also allowable over Anderson 266 for at least the foregoing reasons presented with regard to claim 1.

III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 1, 2, and 3-14 stand rejected under 35 U.S.C. §103(a) for being obvious over Anderson et al. (U.S. Published App. No. 2004/0034319) (hereinafter “Anderson 319”) in view of Coleman et al. (U.S. Patent No. 5,628,744).

The Examiner correctly acknowledges that Anderson 319 fails to disclose a sensor measuring a reflection from the skin of the electromagnetic radiation. (See 6/23/09 Office Action, p. 4). To cure this deficiency, the Examiner relies on Coleman. However, Coleman discloses that “a threshold signal is created by taking a reading of healthy skin with a low power probe beam. The dermatology handpiece is adjusted so that the treatment beam is not delivered until the threshold signal is exceeded.” (See Coleman, col. 2, ll. 36-40). So, Coleman discloses two beams: a low power probe beam for taking a reading of the skin and a treatment beam. Therefore, Coleman suffers the same deficiency as Anderson 266 because the reflection of the probe beam is what is detected from the skin, not the reflection of the treatment beam. In fact, the treatment beam isn’t

even activated until the threshold is exceeded. In contrast, the claimed invention delivers electromagnetic radiation to the skin and detects the reflection of this electromagnetic radiation from the skin. So the reflection is of the treatment energy, not a separate light source. Accordingly, Coleman fails to disclose or suggest “*selected properties being determined by a sensor measuring a reflection from the skin of the electromagnetic radiation,*” as recited in claim 1.

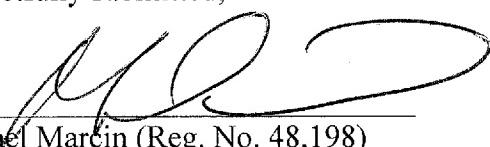
Applicants respectfully submit that Anderson 319 and Coleman, taken alone or in combination, fail to disclose or suggest fails to disclose or suggest “*selected properties being determined by a sensor measuring a reflection from the skin of the electromagnetic radiation,*” as recited in claim 1 and that claim 1 is allowable. Because claims 2 and 4-10 depend on and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 11 recites limitations substantially similar to those of claim 1. Thus, it is respectfully submitted that claim 11 and its dependent claims 12-14 are also allowable for at least the foregoing reasons presented with regard to claim 1.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

By: 
Michael Marcin (Reg. No. 48,198)

Dated: September 21, 2009

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276